

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO. 5:09-CR-216-FL-8**

**UNITED STATES OF AMERICA**

**v.**

**ZIYAD YAGHI,  
Defendant.**

**NOTICE REGARDING  
FOREIGN DEPOSITIONS**

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COMES NOW, James M. Ayers II, counsel for Defendant Ziyad Yaghi, and submits this Notice to the Court regarding the deadline for the filing of any motions or notices relating to foreign depositions.

No discovery has been produced to Defendant identifying any foreign witness who could testify against Defendant relating to the matters in the various Indictment(s). By filing minimal objections (or no objections at all) to the Government's proposed transcripts as required by the January 31, 2011 deadline as set forth in the Court's previously filed Order of July 14, 2010 [DE 479], Defendant Ziyad Yaghi does not concede or stipulate that the Government's proposed transcripts are completely accurate or that the proper foundation has been or can be laid or that the transcripts are otherwise admissible at trial. Also, by not filing objections to transcriptions, the Defendant is not stipulating that the transcripts are the "best evidence" or that the jury should be allowed to review the transcripts in the jury room during jury deliberations.

Furthermore, Defendant Ziyad Yaghi reserves the right to file further objections to the incompleteness of the proffered audiotapes and transcripts, especially where there are significant lapses of audible or discernible voices.

Defendant therefore, at this time, has no intent to depose any foreign witness, except those referenced in the Motion to Take Foreign Depositions previously filed and which will be re-filed within the next two weeks. Should the Government, however, produce any discovery later in the case (for example, classified or *Brady* or Jencks Act material) that identifies witnesses in a foreign country, Defendant reserves the right to seek to depose foreign witnesses in response to that new evidence.

Respectfully submitted this the 26<sup>th</sup> day of January, 2011.

/s/James M. Ayers II

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Criminal – Appointed

CERTIFICATE OF SERVICE

This is to certify that the undersigned has personally served a copy of the forgoing Notice Regarding Foreign Depositions, according to the applicable Civil Procedure Rules of this Court, to wit:

  X   CM/ECF (U.S. District Courts; U.S. Courts of Appeal)

Date January 26<sup>th</sup>, 2011

*/s/James M. Ayers II*  
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